

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/525,958 Confirmation No. : 3066
First Named Inventor : Robert CASPER
Filed : February 28, 2005
TC/A.U. : (To Be Assigned)
Examiner : (To Be Assigned)
Docket No. : 101648.55966US
Customer No. : 23911
Title : A Device for the Prevention of Melatonin Suppression by
Light at Night

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 AND 1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, the attached Form PTO-1449 lists documents which the Examiner may deem relevant to patentability of the claims of the above-identified application.

I. Time Period of Submission

This Information Disclosure Statement is submitted:

☒ 1) no later than three months from the application's filing date or 2) before the mailing date of the first Office Action on the merits (whichever is later), and therefore no statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

☐ 2) after the later of three months from the application's filing date and the mailing date of the first Office Action on the merits, but before a Final Office Action, a Notice of Allowance, or an action closing prosecution (*Ex parte Quayle*), (whichever is earlier), and therefore Applicant is filing concurrently herewith:

☐ a Statement under 37 C.F.R. § 1.97(e); or

☐ a fee in the amount of \$180.00 under 37 C.F.R. § 1.17(p).

☐ 3) after either a Final Office Action or a Notice of Allowance, but before payment of the Issue Fee, and therefore Applicant is submitting herewith:

a Statement under 37 C.F.R. § 1.97(e); and

a fee in the amount of \$180.00 under 37 C.F.R. § 1.17(p).

II. Statement Under 37 C.F.R. § 1.97(e)

☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or

☐ I hereby state that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making a reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

III. Submission of Non-English Language Documents

☐ The following is a concise explanation of relevance of the non-English language documents listed in the attached Form PTO-1449:

☐ The relevance of document(s) _____ to the subject matter of the present invention is/are provided in the specification of the above-identified application.

☐ Copy of a corresponding foreign or international report citing document(s) _____, together with an English-language version (if not already in English) of that portion of the report indicating the degree of relevance found by the foreign office.

☐ English language equivalent publication(s) of document(s) _____ is/are submitted herewith.

☐ English language abstract(s) is/are submitted for document(s) _____.

☐ English translation(s) of the foreign language document(s) _____ is/are submitted herewith.

☐ Applicant submits the following explanations:
_____.

IV. Continuations/Divisionals/PCT National Stage Applications

☐ Documents _____ were previously submitted in an Information Disclosure Statement filed on == in parent application Serial No. _____, from which this application claims a benefit.

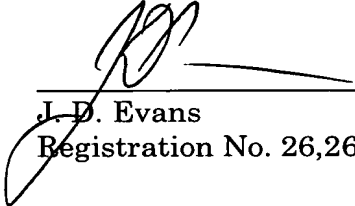
☐ Copies of the references listed on the attached form PTO-1449 have already been provided by the International Searching Authority, therefore, duplicate copies are not attached hereto.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

If necessary, this paper should be considered as an authorization to charge Deposit Account 05-1323, Attorney Docket No.: 101648.55966US, for the fee set forth in 37 C.F.R. § 1.17(p).

Respectfully submitted,

October 20, 2005



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| | | Application Number | 10/525,958 | | |
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| | | First Named Inventor | Robert CASPER | | |
| | | Art Unit | (To Be Assigned) | | |
| | | Examiner Name | (To Be Assigned) | | |
| Sheet | 1 | of | 2 | Attorney Docket Number | 101648.55966US |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|-----------------------|---|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | AA | ROBERT A. HAHN, "Profound Bilateral Blindness and the Incidence of Breast Cancer", Epidemiology Resources Inc., 1991, pp. 208-210, vol. 2 | |
| | AB | ICHIRO KAWACHI, MD., ET AL., "Prospective Study of Shift Work and Risk of Coronary Heart Disease in Women", Circulation, 1995, pp. 3178-3182, vol. 92, The American Heart Association, inc. | |
| | AC | JOHNNI HANSEN, "Increased Breast Cancer Risk Among Women Who Work Predominantly at Night", Epidemiology, 2001, pp. 74-77, vol. 12, no. 1, Lippincott Williams & Wilkins, Inc. | |
| | AD | SCOTT DAVIS, ET AL., "Night Shift Work, Light at Night, and Risk of Breast Cancer", Journal of the National Cancer Institute, 2001, pp. 1557-1562, vol. 93, no. 20, Oxford University Press | |
| | AE | EVA S. SCHERNHAMMER, ET AL., "Rotating Night Shifts and Risk of Breast Cancer in Women Participating in the Nurses Health Study", Journal of the National Cancer Institute, October 17, 2001, pp. 1563-1568, vol. 93, no. 20, Oxford University Press | |
| | AF | SATO HONMA, ET AL., "Light Suppression of Nocturnal Pineal and Plasma Melatonin in Rats Depends on Wavelength and Time of Day", Neuroscience Letters, (1992), pp. 201-204, vol. 147, Elsevier Scientific Publishers Ireland, Ltd. | |
| | AG | TORE TYNES, ET AL., "Incidence of Breast Cancer in Norwegian Female Radio and Telegraph Operators", Cancer Causes and Control, 1996, pp. 197-204, vol. 7, Rapid Science Publishers | |
| | AH | EVA S. SHERNHAMMER, ET AL., "Night-Shift Work and Risk of Colorectal Cancer in the Nurses' Health Study", Brief Communication, Journal of the National Cancer Institute, June 4, 2003, pp. 825-828, vol. 95, no. 11 | |
| | AJ | DANIEL P. CARDINALI, ET AL., "Melaton in Sleep Disorders and Jet-Lag", Neuorendocrinology Letters, 2002, pp. 9-13, vol. 23, ISSN 0172-7801 | |
| | AK | MURRAY W. JOHNS, "A New Method for Measuring Daytime Sleepiness: The Epworth Sleepiness Scale", Sleep, American Sleep Disorders Association and Sleep Research Society, 1991, pp. 540-545, | |

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|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | AL | J. A. HORNE, ET AL., "A Self-Assessment Questionnaire to Determine Morningness-Eveningness in Human Circadian Rhythms", International Journal of Chronobiology, June (1976), pp. 97-110, vol. 4, Gordon and Breach, Science Publishers Ltd. | |
| | AM | NALAKA S. GOONERATNE, ET AL., "The Validity and Feasibility of Saliva Melatonin Assessment in the Elderly", Journal of Pineal Research, 2003, pp. 88-94, vol. 34, Blackwell Munksgaard | |
| | AN | ALFRED J. LEWY, ET AL., "The Endogenous Melatonin Profile as a Marker for Circadian Phase Position", Journal of Biological Rhythms, June 1999, pp. 227-236, vol. 14, no. 3, Sage Publications, Inc. | |
| | AO | MENDELSON W. BERGMANN, "Recovery After Sleep Deprivation in SCN-Lesioned Rats", Sleep, 2002, pp. A184-A186, vol. 25, American Academy of Sleep Medicine | |
| | AP | DZHEMALY S. BENIASHVILI, ET AL., "Effect of Light/Dark Regimen on N-Nitrosoethylurea-Induced Transplacental Carcinogenesis in Rats", Cancer Letters 163, (2001), pp. 51-57, Elsevier Science Ireland Ltd., PII: S0304-3835(00)00673-X | |
| | AQ | JOHNNI HANSEN, "Light at Night, Shift Work, and Breast Cancer Risk", Journal of the National Cancer Institute, October 17, 2001, pp. 1513-1515, vol. 93, no. 20, Editorials, Oxford University Press | |
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